UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,747	03/25/2004	Carlos Cesar F. Araujo	RSW920040028US1	2576

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HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207

EXAMINER
HO, ANDY

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
12/11/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 September 2008</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-20</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed 9/4/2008.

2. Claims 1-20 have been examined and are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6-10, 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being

anticipated by Lawson U.S Patent No. 6,185,613.

As to claim 6, Lawson teaches a method of managing events in an information

technology environment, the method comprising:

receiving an event from an event source (events received at servers, lines 14-35

column 8);

selecting, without regard to the event, the event source, and any event consumer

for the event, any one of a plurality of stateless event servers to process the event

(selecting a server using remote event processing 66, lines 22-38 column 17), every

stateless event server being capable of processing the event without storing state

information on the processing (no state information being stored during the processing,

lines 19-38 column 12);

processing the event using the selected one of the plurality of the stateless event servers (lines 19-38 column 12); and

providing event data for the event to an event consumer (sending events to event consumers, lines 12-28 column 18).

As to claim 7, Lawson further teaches managing the plurality of event servers based on at least one of availability, scalability, and load balance for the information technology environment (lines 46-60 column 9).

As to claim 8, Lawson further teaches generating the event at an event source and communicating the event from the event source to the plurality of event servers (Fig. 5 and associated specifications).

As to claim 9, Lawson further teaches subscribing to the event using the event consumer (line 45 column 8 to line 9 column 9).

As to claim 10, Lawson further teaches obtaining event data based on the event (event data, lines 39-54 column 12);

storing the event data in an event data store (store events in an event store, lines 12-28 column 18);

publishing the event (sending events to event consumers, lines 12-28 column 18).

As to claim 12, Lawson teaches a system for managing events in an information technology environment, the system comprising:

an event data store for storing event data for an event (store events in an event store, lines 12-28 column 18); and

a plurality of stateless event servers (event servers, lines 14-35 column 8), every

stateless event server being capable of processing the event without storing state

information on the processing (no state information being stored during the processing,

lines 19-38 column 12), and without regard to the event, event source, and any event

consumer for the event (lines 22-38 column 17), wherein each stateless event server

includes:

a subscription system for processing a subscription request for the event

(line 45 column 8 to line 9 column 9);

a communication system for receiving the event (events received at

servers, lines 14-35 column 8); and

a processing system for processing the event (lines 19-38 column 12),

each event server being capable of publishing the event for all interested event

consumers (sending events to event consumers, lines 12-28 column 18).

As to claim 13, Lawson further teaches a transaction system for managing a

transaction within which the event is processed (lines 19-38 column 12);

a data system for obtaining event data based on the event (event data, lines 39-

54 column 12); and

a publish system for publishing the event (sending events to event consumers,

lines 12-28 column 18).

As to claim 14, Lawson further teaches an event consumer for processing the

event data, wherein the communication system further communicates event data to the

event consumer (lines 48-67 column 27).

As to claim 16, Lawson further teaches an event source for generating the event

(Fig. 5 and associated specifications).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 11 and 19-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lawson in view of Scheer U.S Patent No. 7,313,534.

As to claim 1, Lawson teaches a method of managing events in an information

technology environment (Fig. 1), the method comprising:

receiving an event at a plurality of event servers (events received at servers,

lines 14-35 column 8), every event server being capable of publishing the event for all

interested event consumers (sending events to event consumers, lines 12-28 column

18);

selecting, without regard to an event source for the event and without regard to

any event consumer for the event, any one of a plurality of stateless event servers to

process the event (selecting a server using remote event processing 66, lines 22-38

column 17);

processing the event using the selected one of the plurality of event servers,

wherein the processing comprises:

processing the event (lines 19-38 column 12);

obtaining event data based on the event (event data, lines 39-54 column

12);

storing the event data in an event data store (store events in an event

store, lines 12-28 column 18);

publishing the event (sending events to event consumers, lines 12-28

column 18).

Lawson does not explicitly teach starting and committing the transaction.

Scheer teaches a processing system wherein a transaction is being processed

using Start and Commit logic (line 52 column 17 to line 15 column 18). It would have

been obvious at the time the invention was made to a person of ordinary skill in the art

to have modified Lawson reference to include the teachings of Scheer reference

because by starting and committing a transaction, the system could acknowledge that

the transaction is successfully processed and the result is committed, as disclosed by

Scheer (line 52 column 17 to line 15 column 18).

As to claim 2, Lawson as modified further teaches receiving a subscription

request for the event from an event consumer and processing the subscription request

using any one of the plurality of event servers (line 45 column 8 to line 9 column 9).

As to claim 3, Lawson as modified further teaches: receiving the event data at

an event consumer and processing the event data using the event consumer (lines 48-

67 column 27).

As to claim 4, Lawson as modified further teaches managing the plurality of event servers based on at least one of availability, scalability, and load balance for the information technology environment (lines 46-60 column 9).

As to claim 5, Lawson as modified further teaches generating the event at an event source and communicating the event from the event source to the plurality of event servers (Fig. 5 and associated specifications).

As to claim 11, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 19, it is a computer program product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 20, it is a computer program product claim of claims 2 and 5. Therefore, it is rejected for the same reasons as claims 2 and 5 above.

5. Claims 15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Griffin U.S Publication No. 2004/0068568.

As to claim 15, Lawson does not teach event communication using JMS.

Griffin teaches an event communication system wherein JMS is used to exchange information (paragraph 0032 page 3). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Lawson reference to include the teachings of Griffin reference because by using JMS, the system could exchange events between different software components, as disclosed by Griffin (paragraph 0032 page 3).

As to claim 17, it is a system claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

As to claim 18, Griffin further teaches J2EE application executing on a Websphere Application Server (paragraph 0032 page 3). Note the discussion of claim 15 above for the reason of combining references.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that Lawson reference does not teach selecting, without regard to the event, the event source, and any event consumer for the event, any one of a plurality of stateless event servers to process the event (Remarks, last paragraph page 8 to third complete paragraph page 10). In response, the applicant argues a new limitation that was not claimed before. However, this new limitation is still met by the cited reference as disclosed in the claim rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.

- OFFICAL faxes must be signed and sent to (571) 273 - 8300.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Primary Examiner

Art Unit 2194